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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2012-533

**EDGARDO FARINAS ADAPON**  
2851 Bedford Lane  
Chino Hills, CA 91709  
Registered Nurse License No. 555650

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about March 7, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-533 against Edgardo Farinas Adapon ("Respondent") before the Board of Registered Nursing.

2. On or about June 10, 1999, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 555650 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-533 and will expire on December 31, 2012, unless renewed

3. On or about March 7, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-533, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of Regulations, title 16,

1 section 1409.1, is required to be reported and maintained with the Board. Respondent's address  
2 on record with the Board was and is:

3 **2851 Bedford Lane**  
4 **Chino Hills, CA 91709.**

5 4. Service of the Accusation was effective as a matter of law under the provisions of  
6 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

7 5. On or about March 16, 2012, the aforementioned documents served via First Class  
8 Mail were returned by the U.S. Postal Service marked with "Insufficient Address." On or about  
9 March 22, 2012, the aforementioned documents served via Certified Mail were returned by the  
10 U.S. Postal Service marked with "Insufficient Address."

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
14 of the accusation not expressly admitted. Failure to file a notice of defense shall  
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
16 may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
19 2012-533.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions  
23 or upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent.

25 9. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 2012-533, finds  
that the charges and allegations in Accusation No. 2012-533, are separately and severally, found  
to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$715.00 as of March 30, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Edgardo Farinas Adapon has subjected his Registered Nurse License No. 555650 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. **Conviction of Substantially-Related Crimes.** Respondent is subject to disciplinary action under section 2761, subdivision (f) and section 490 of the Code, as defined in California Code of Regulations, title 16, section 1444; in that Respondent was convicted of a crime substantially related to the qualification, functions, and duties of a registered nurse. On or about November 10, 2011, in the criminal matter entitled *The People of the State of California v. Edgardo Adapon* (Super. Ct. Los Angeles County, 2011, No. 1JB07955), Respondent was convicted of one misdemeanor count of violating Health and Safety Code section 11364 (possession of drug paraphernalia). Respondent was sentenced to serve two days in jail. The basis for the conviction is that on or about August 6, 2011, officers with the Glendora Police Department found Respondent incoherent and nonresponsive standing in front of the Palm Tropics Hotel with a methamphetamine pipe in his pocket.

**b. Disciplinary Action by the Nevada State Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that on or about May 9, 2007, Respondent's registered nurse license application was denied by the Nevada State Board of Nursing based on unprofessional conduct and a positive drug screen given as a condition of employment.

c. **Unprofessional Conduct.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct.

1 The conduct is more particularly described in paragraph 3, subparagraphs (a) and (b), inclusive,  
2 above, and herein incorporated by reference.  
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ORDER

IT IS SO ORDERED that Registered Nurse License No. 555650, heretofore issued to Respondent Edgardo Farinas Adapon, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 3, 2012.

It is so ORDERED July 3, 2012

  
\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID: LA2012602403

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2012-533**

11 **EDGARDO FARINAS ADAPON, AKA**  
12 **EDGARDO ADAPON**  
13 **2851 Bedford Lane**  
**Chino Hills, CA 91709**  
14 **Registered Nurse License No. 555650**

**A C C U S A T I O N**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
20 of Consumer Affairs.

21 2. On or about June 10, 1999, the Board of Registered Nursing issued Registered Nurse  
22 License Number 555650 to Edgardo Farinas Adapon, aka Edgardo Adapon ("Respondent"). The  
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on December 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 490 provides:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

“(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

“(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

7. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article

3 (commencing with section 2750) of the Nursing Practice Act.

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

9. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

10. Section 2811, subdivision (b) of the Code provides:

"Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing."

#### REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, provides:



1 "A conviction or act shall be considered to be substantially related to the qualifications,  
2 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
3 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
4 safety, or welfare.

5 Such convictions or acts shall include but not be limited to the following:

- 6 (a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
7 subdivision (d) of Penal Code Section 11160.  
8 (b) Failure to comply with any mandatory reporting requirements.  
9 (c) Theft, dishonesty, fraud, or deceit.  
10 (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the  
11 Penal Code."

#### 12 COST RECOVERY

13 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licensee found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

#### 17 FIRST CAUSE FOR DISCIPLINE

##### 18 (Conviction of Substantially-Related Crimes)

19 13. Respondent is subject to disciplinary action under section 2761, subdivision (f) and  
20 section 490 of the Code, as defined in California Code of Regulations, title 16, section 1444, in  
21 that Respondent was convicted of a crime substantially related to the qualification, functions, and  
22 duties of a registered nurse as follows:

23 14. On or about November 10, 2011, in the criminal matter entitled *The People of the*  
24 *State of California v. Edgardo Adapon* (Super. Ct. Los Angeles County, 2011, No. 1JB07955),  
25 Respondent was convicted of one misdemeanor count of violating Health and Safety Code section  
26 11364 (possession of drug paraphernalia). Respondent was sentenced to serve two days in jail.  
27 The basis for the conviction is that on or about August 6, 2011, officers with the Glendora Police  
28

1 Department found Respondent incoherent and nonresponsive standing in front of the Palm  
2 Tropics Hotel with a methamphetamine pipe in his pocket.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Nevada State Board of Nursing)**

5 15. Respondent is subject to disciplinary action under Code section 2761, subdivision  
6 (a)(4), on the grounds of unprofessional conduct in that on or about May 9, 2007, Respondent's  
7 registered nurse license application was denied by the Nevada State Board of Nursing based on  
8 unprofessional conduct and a positive drug screen given as a condition of employment.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 16. Respondent is subject to disciplinary action under Code section 2761, subdivision  
12 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more  
13 particularly described in paragraphs 14 and 15, inclusive, above, and herein incorporated by  
14 reference.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 555650, issued to  
19 Edgardo Farinas Adapon, aka Edgardo Adapon;

20 2. Ordering Edgardo Farinas Adapon, aka Edgardo Adapon, to pay the Board of  
21 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
22 pursuant to Business and Professions Code section 125.3;

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: March 7, 2012

25 *Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant  
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